

Claims 1-13 stand rejected under 35 U.S.C. 103(a) "as being unpatentable over Staheli, USP 5,028,225 in view of Takagi et al., USP 4,875,647." In support of the rejection, the Patent Office states the following:

The cited primary reference substantially teaches the basic claimed process of molding a continuous cable tie. The detailed process steps include providing a continuous web or film of material wherein the web passes through an injection mold and a plastic material having a desired feature is molded onto the section of web material. The product is cut into individual units upon hardening of the resin. Note that cable ties is suggested, see col. 1, lines 17-22. Also see col. 3, line 30 to col. 4, line 25.

The added reference is cited to show the conventionality of molding a head configuration as claimed, onto a continuous strip of material in the molding of a cable tie. The detailed features include providing a head having head, a channel and a locking tang. The tail portion can be inserted into the head, through the channel and for a loop. See col. 3, lines 5-65 and claims 1-6.

It would have been obvious to so mold a head of the configuration as shown in the added reference, when performing the continuous molding process set forth in the primary reference, for forming a composite cable tie having the conventional head design as disclosed in the applied prior art.

Note that a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

Insofar as the foregoing rejection pertains to claim 4, the rejection is moot in view of Applicant's cancellation herein of claim 4. Insofar as the foregoing rejection pertains to claims 1-3 and 5-13, Applicant respectfully traverses the foregoing rejection.

Claim 1, from which claims 2-3 and 5-11 depend, has been amended herein and now recites “[a] method of making a cable tie, said method comprising the steps of:

(a) forming a strap, said strap having a front end and a tail, said forming step comprising forming a length of continuously molded strap material and then cutting said continuously molded strap material to a desired length; and

(b) then, insert-molding a front portion onto said front end of said strap, said front portion comprising a head, said head being adapted to cooperate with said strap to form a locked closed loop.”

Thus amended, claim 1 is not rendered obvious over Staheli over Takagi et al. for at least the reason that Staheli and Takagi et al., taken individually or in combination, do not teach or suggest a method of making a cable tie comprising, among other things, forming a length of continuously molded strap material, cutting said continuously molded strap material to a desired length and then insert-molding a front portion onto the front end of the strap. More specifically, Staheli neither teaches nor suggests forming a **continuously molded** strap or cutting the strap material **before** insert-molding the front portion thereonto. Takagi et al., which does not even relate to insert-molding, does not cure the deficiencies of Staheli.

Claim 12, from which claim 13 depends, is patentable over the applied references for at least the same types of reasons given above in connection with claim 1.

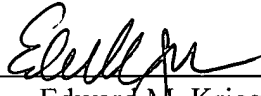
Accordingly, for at least the above reasons, the foregoing rejection should be withdrawn.

Therefore, it is respectfully submitted that the present application is now in condition for allowance. Prompt and favorable action is earnestly solicited.

If there are any fees due in connection with the filing of this paper that are not accounted for, the Examiner is authorized to charge the fees to our Deposit Account No. 11-1755. If a fee is required for an extension of time under 37 C.F.R. 1.136 that is not accounted for already, such an extension of time is requested and the fee should also be charged to our Deposit Account.

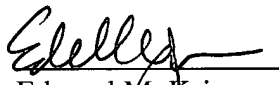
Respectfully submitted,

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Dated: March 10, 2003

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box Fee Amendment, Commissioner for Patents, Washington, D.C. 20231 on March 10, 2003

  
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Dated: March 10, 2003

MARKED-UP AMENDED CLAIMS 1 AND 5

1. (Amended) A method of making a cable tie, said method comprising the steps of:

(a) forming a strap, said strap having a front end and a tail, said forming step comprising forming a length of continuously molded strap material and then cutting said continuously molded strap material to a desired length; and

(b) then, insert-molding a front portion onto said front end of said strap, said front portion comprising a head, said head being adapted to cooperate with said strap to form a locked closed loop.

5. (Amended) The method as claimed in claim [4] 1 wherein said continuously molding step comprises using rotary extrusion molding.